FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

APPEAL FROM ORDER NO. 508 OF 1997.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

Shri Pramod Joshi for the appellant.

Shri R.A. Thorat for respondent Nos. 3 &4.

None for respondent Nos. 1 & 2.

CORAM: V.C.DAGA,J.

DATED: 16-9-2004.

P.C.:

. This appeal is directed against the order dated 5.4.1997 passed below application (Ex.5) in Spl.Civil Suit No. 12/97 by the 2nd Joint Civil Judge, SD, Nasik, whereby application (Ex.5), seeking interim relief came to be rejected.

2. When this appeal was admitted by this Court vide order dated 16.7.1997, application seeking interim stay being Civil Application No. 2924/1997 was also considered. In that application, rule was

issued and interim relief in terms of prayer clause (a) was granted subject to applicant depositing in the trial Court a sum of Rs 5 lacs within 4 weeks from the date of the order. It was directed that in the event of such deposit being made, the said amount be invested in any nationalised bank as may be directed by the trial Court. By way of interim relief, respondents were injuncted from creating any third party interest in respect of the suit property.

3. Today when this appeal was called out for hearing, Shri Pramod Joshi,learned Counsel appearing for the applicant submitted that deposit of Rs. 5 lacs has already been made by the applicant with the trial Court and the same has been invested in the nationalised bank. He has also produced xerox copy of the receipt evidencing deposit of amount along with purshis dated 16.9.2004.

4. This appeal is pending since 1997. Interim relief referred to hereinabove, as per order of this Court dated 16.7.1997 is operating for past 7 years. In this view

of the matter and looking to the consensus between the parties, justice would be done if interim relief dated 16.7.1997 is made final in the same terms making it operative during the pendency of the suit. In addition to this, the trial Court can be directed to dispose of the suit itself with expeditious despatch.

5. Accordingly, appeal is disposed of finally granting final relief in terms of prayer clause (a) of Civil Application No. 2923 of 1997, on the terms mentioned in the order of this Court dated 16.7.1997.

6. The trial Court shall be free to deal with the cash security on its own merits in accordance with law, while passing the final decree in the suit.

7. The trial Court is directed to dispose of the suit as expeditiously as possible in accordance with law on its own merits treating the suit as expedited one.

8. Appeal stands disposed of in terms of this order with no order as to costs.